

# **Exhibit Q**

Stephen McCollum, et al v.  
Brad Livingston, et al.

Robert Eason  
March 26, 2013

1 THE WITNESS: I'm sorry.

2 Q. (By MR. EDWARDS) Let's talk about situations  
3 where people die or are taken to the hospital and  
4 eventually die.

5 A. Okay.

6 Q. Are there situations that -- in those situations  
7 where no -- no administrative review needs to happen?

8 A. Yes, sir.

9 Q. Okay. What are those situations?

10 A. A situation where -- I'll give you an example.  
11 We have -- let's say we have an offender that has a heart  
12 attack on the facility, you know, some type of medical  
13 issue where we transport them from the facility to the  
14 hospital. They -- they stay in the hospital for a period  
15 of time, okay? That is what we call physician's -- he's  
16 under physician's care and then at some point, you know,  
17 we're going to contact the family so they can go up there  
18 and visit, thing like that.

19 And let's say at some point he passes away.  
20 Then that's considered a physician-attended death and  
21 there is not an admin review required --

22 Q. Okay.

23 A. -- for that.

24 Q. Other than a physician-attended death, are there  
25 any other situations where an admin review wouldn't be

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1 required for a death resulting from -- resulting at a TDCJ  
2 facility?

3 A. It could be -- and there's a timeline that it  
4 has to fall within to be considered a physician-attended  
5 death by AEC, and I --

6 Q. What is that?

7 A. Well, I'm not real sure the timeline. And a lot  
8 of times what we'll do is we'll call EAC and say, you  
9 know, "Is this going to be considered a physician-attended  
10 death or not?" And I'm wanting to think it's somewhere  
11 within 72 hours.

12 Q. Who is the "we" that would call EAC?

13 A. We have -- at the time Mr. McCollum passed away,  
14 it was Kathy Clear. She was over the Emergency Action  
15 Center, and now it is Jill Lewis.

16 Q. To your knowledge -- I mean did you consider the  
17 McCollum death a physician-attended death?

18 A. Yes, I did.

19 Q. Why?

20 A. Because that was the information that we were  
21 given from Parkland Hospital, that it was from natural  
22 causes and it was a physician-attended death.

23 Q. Were you aware that -- that Mr. McCollum went  
24 nonresponsive at around two o'clock in the morning?

25 A. Yes, sir, from reading the report and talking to

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1 Q. Why not?

2 A. Because we are taking all the steps that we --  
3 we can take to mitigate the heat. We're doing that every  
4 summer, and when you look how vast our operation is  
5 throughout the state, and how many offenders that we move  
6 through our institutions every summer, how many employees  
7 we have working in our institutions every summer, we have  
8 very little problems with heat-related illness when you  
9 look at the numbers.

10 Q. Was that true in the summer of 2011, that you  
11 had very little problems with heat-related illnesses?

12 A. In my opinion, yes. When you look at the  
13 numbers, I think we do a wonderful job at taking those  
14 steps, taking it very seriously and mitigating the heat on  
15 our facilities.

16 Q. Just to be crystal clear, it's your testimony,  
17 as the Texas Department of Criminal Justice  
18 representative, that you do a wonderful job mitigating the  
19 heat at your facilities?

20 A. Yes.

21 Q. Do you believe you did a wonderful job at the  
22 Hutchins Unit with regard to Larry Eugene McCollum?

23 A. Yes, we do -- we did a -- a good job.

24 Q. Did you make any changes -- I mean the Texas  
25 Department of Criminal Justice -- based on Mr. McCollum's

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1 it, yes, sir.

2 MR. EDWARDS: Do you mind going off the  
3 record for one second, Bruce? And then we're probably  
4 done.

5 MR. GARCIA: Off the record 6:36.

6 (Discussion off the record).

7 (Exhibits Nos. 45-46 marked).

8 THE VIDEOGRAPHER: We're back on the record  
9 at 6:38.

10 Q. (By MR. EDWARDS) Okay. We just have a very, very  
11 brief time, but we mentioned Kenneth James at the Gurney  
12 Unit who died on August 13th, 2011. Let me show you an  
13 autopsy, sir. With regard to Mr. James, who died at the  
14 Gurney Unit, I've highlighted what I believe to be the  
15 cause of death in that case. Would you read that for the  
16 jury, sir?

17 A. Just the highlighted area?

18 Q. Just the highlighted area, yes.

19 A. "Cause of death is most likely environmental  
20 hyperthermia-related to classic heat stroke."

21 Q. Okay. Now, assuming that -- that Mr. James was  
22 housed at the Gurney Unit and died from classic heat  
23 stroke, that would be heat-related illness which should be  
24 brought to your attention and an administrative review  
25 should be done, right?

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1 A. Yes, sir.

2 Q. Okay. To your knowledge, do you know if any  
3 sort of administrative review was done with regard to  
4 Kenneth James, who died at the Gurney Unit?

5 A. Without going back in my office and looking at  
6 records or calling EAC, I couldn't answer that.

7 Q. All right. I want to thank you very much for  
8 your time, sir.

9 MR. EDWARDS: I'll pass the witness with  
10 all of about 27 seconds left, sir, but --

11 MR. GARCIA: We'll reserve.

12 MR. EDWARDS: Okay.

13 THE REPORTER: Any stipulations?

14 MR. GARCIA: No, ma'am.

15 THE VIDEOGRAPHER: Off the record at 6:39  
16 p.m.